

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/811,372 Confirmation No. 2082
Applicant : George T. Domizio
Filed : March 26, 2004
TC/A.U. : 3677
Examiner : David C. Reese
Docket No. : 03-284-2
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Petition to Withdraw Holding of Abandonment

Dear Sir:

This paper is submitted under 37 CFR 1.181 requesting withdrawal of the notice of abandonment mailed August 1, 2006 in this application.

Applicant, through the undersigned attorney, filed a Notice of Appeal in this application on March 24, 2006.

The Notice of Appeal was filed following a final rejection which was mailed on September 21, 2005. The Notice of Appeal was accompanied by a Request for Three Month Extension of Time and the requisite fees, and was received and entered in PAIR. These documents can be viewed in the image file wrapper available on PAIR.

On August 1, 2006, the Examiner issued a Notice of Abandonment, stating the reason for abandonment as being failure to timely file an appeal brief.

As set forth below, this Notice of Abandonment is premature and should be withdrawn.

Under 37 CFR 41.37(a), an Appeal Brief must be filed within 2 months of the date of appeal. Under 37 CFR 41.37(e), the 2 month period can be extended under 37 CFR 1.136(a). Finally, under 37 CFR 1.136(a), a shortened statutory period for response


can be extended up to the earlier of the expiration of any maximum period set by statute (6 months) or five months after the time period set for reply.

The normal 2 month period for filing the Appeal Brief expires on May 24, 2006, and this period can be extended four months, up to a maximum statutory period of 6 months, i.e., up to September 24, 2006. Thus, the holding of abandonment mailed on August 1, 2006 is premature and should be withdrawn.

Withdrawal of the premature holding of abandonment is therefore respectfully solicited.

It is believed that no fee is due in connection with this paper. If, however, any fee is due, please charge same to Deposit Account No. 02-0184.

Respectfully submitted,

By 
George R. Coury
BACHMAN & LAPOINTE, P.C.
Reg. No. 34,309
Attorney for the Applicant(s)

Telephone: (203) 777-6628, x113
Fax: (203) 865-0297
Email: docket@bachlap.com

Date: August 22, 2006